

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RICHARD VELA, SR and
RICHARD VELA, JR,

Plaintiffs,

v.

Case No.: 2:23-cv-00430-KWR-GJF

CARLSBAD MEDICAL CENTER, LLC,
PECOS VALLEY OF NEW MEXICO, LLC
d/b/a PECOS VALLEY PHYSICIAN GROUP,
and CHSPSC, LLC d/b/a COMMUNITY
HEALTH SYSTEMS,

Defendants.

STIPULATED CONFIDENTIALITY ORDER

THIS MATTER, having come before the Court upon the stipulation of the parties, by and through their respective counsel, to protect the confidentiality of information, documents, records, and testimony that has been and may be produced or provided in the course of this lawsuit, and the Court, being otherwise fully advised in the premises, finds that the stipulation is well taken.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The designation of confidential material that has been and may be produced or provided in discovery by Carlsbad Medical Center, LLC (“CMC”) in response to Plaintiffs’ Request for Production No. 6 shall be made by CMC or its counsel in this matter by placing or affixing on the material in a manner which will not interfere with its legibility the word “Confidential.” All such copies shall be afforded the full protection of this Order and subject to the following provisions.

2. All Confidential material shall be treated as confidential, shall be used only in connection with the above-captioned lawsuit, and shall not be disclosed to anyone other than those set forth in Paragraph 3.

3. Confidential material may be disclosed only to the following individuals under the following conditions:

- a) the parties to this action and their counsel (including their secretaries, paralegals, assistants, and other employees);
- b) insurance adjusters and other insurance representatives associated with the parties to this lawsuit;
- c) vendors, consultants, or experts retained by the parties or their counsel for purposes of this action (before giving documents designated as “Confidential” to experts, the experts shall be furnished a copy of this Order and agree to be bound by it);
- d) the Court and court personnel; and
- e) mediators (including their secretaries, paralegals, assistants, and other employees).

4. Any person who examines confidential documents in connection with this lawsuit shall not disseminate any of the information contained in those documents orally, in writing, or by any other means, to any person who is not authorized to view the confidential documents under the terms of this Order.

5. If used as exhibits in depositions, the documents must be clearly identified as “Confidential.”

6. Any party shall have the right, in good faith, to object to the confidential designation at any time by providing notice to CMC of the pages in dispute with a brief statement or explanation of the basis of the dispute with regard to each such document or item.

- a. Upon receipt of the objection, CMC shall have twenty-one (21) days to file a Motion for Protective Order pursuant Federal Rule of Civil Procedure 26(c) to

establish good cause to the Court that the objected documents should remain confidential. CMC shall have the burden to establish that the documents should be subject to protection under Rule 1-026(c). Nothing in this Order shall be construed to create any presumption that any document should be subject to protection under Rule 1-026(c).

- b. During the pendency of a Motion for Protective Order filed by CMC, the objecting party, and all other parties, shall treat the objected documents as confidential, and these parties shall not permit any person not identified in Paragraph 3, to inspect, examine, copy or replicate any of the Confidential materials. If no party objects to the designation of confidential or if the Court grants any subsequent Motion for Protective Order as described herein, then the documents will remain confidential pursuant to this Order.

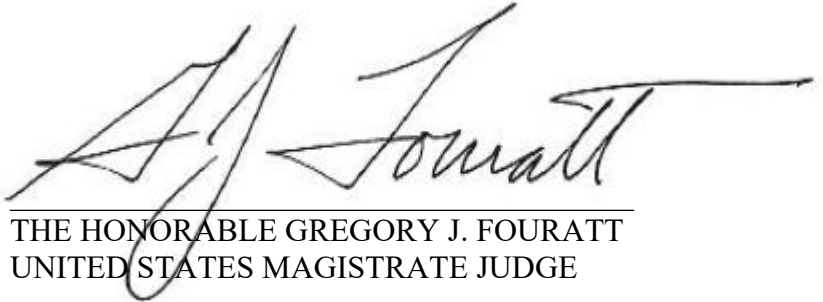
7. To the extent that Confidential material or information contained therein is used in the taking of depositions, such Confidential material or information shall remain subject to the provisions of this Order, along with the transcript pages of the deposition testimony dealing with the subject documents or information contained therein, if in fact those transcript pages are so detailed as to essentially reveal the information in the Confidential material. However, this Order does not limit any good faith discussion of the Confidential documents in deposition questioning or trial testimony. The Parties shall be entitled to identify and use a document for trial purposes regardless of confidentiality designations.

8. This Order shall survive the termination of this action and shall remain in full force and effect unless modified by an Order of this Court or by the written stipulation of the parties filed with the Court.

9. Within sixty (60) days of final termination of this action, including the exhaustion of all appeals, all persons receiving and possessing confidential documents shall either destroy or return all copies of such information to the attorneys for the producing party.

So ordered this 6th day of February, 2024.

BY THE COURT:



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE

APPROVED:

s/ Michaela H. Redlingshafer

Kevin J. Kuhn
Jennifer L. Parker
Michaela H. Redlingshafer
370 Seventeenth Street, Suite 4500
Denver, CO 80202-5647
Telephone: 303.244.1800
Facsimile: 303.244.1879
Email: kuhn@wtotrial.com
parker@wtotrial.com
redlingshafer@wtotrial.com
*Attorneys for Defendant Carlsbad Medical Center,
LLC*

s/ Thomas Wood (via email 2/01/2024)

James H. Wood
Thomas Wood
Zacary E. Wilson-Fetrow
Law Office of James H. Wood PC
601 Marble Ave NW
Albuquerque, NM 87102
(505) 340-3134
jwood@jameswoodlaw.com
twood@jameswoodlaw.com
zwilson-fetrow@jameswoodlaw.com

Attorneys for Plaintiffs

s/ Gregory D. Steinman (via email 11/16/2023)

William C. Madison
Gregory D. Steinman
Kimberly A. Huson
Madison, Mroz, Steinman, Kenny & Olexy, P.A.
P.O. Box 25467
Albuquerque, NM 87125
(505) 242-2177
bmad@madisonlaw.com gds@madisonlaw.com
kah@madisonlaw.com
Attorneys for Defendant CHSPSC, LLC

s/ J. Scott Mann (via email 1/23/2024)

J. Scott Mann
Mann Morrow, PLLC
671 S. Mesa Hills Dr., Suite A-1
El Paso, TX 79912
(915) 226-0400
scott.mann@mannmorrow.com
*Attorneys for Defendant Pecos Valley of New
Mexico, LLC*